

Notice of Allowability	Application No.	Applicant(s)	
	10/055,751	KUELBS ET AL.	
	Examiner	Art Unit	
	Mark Fadok	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/26/2006 and 1/26/2006.
2. ☒ The allowed claim(s) is/are 92-113. Renumbered as 1-21.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Response to Amendment

The examiner is in receipt of applicant's response to office action mailed 10/21/2005, which was received 2/23/2006. The examiner has carefully considered the amendments and arguments provided by the applicant, and have found them to be persuasive, therefore the following reasons for allowance are provided:

Rejoinder of Species

Claims 97-111 are species that were restricted in Office Action mailed 10/18/2004. Claims 97-111, which were withdrawn, are hereby rejoined since they are dependent on allowed independent claim 92.

Allowable Subject Matter

Claims 92-113 are allowed.

The following is an examiner's statement of reasons for allowance of independent claim 92:

Regarding claims 92

The prior art of record neither anticipates nor fairly and reasonably teaches a method, for accepting offers and offering a visual representation of how much additional sales are needed to fill a 20+ foot shipping container comprising, *inter alia*, utilizing at least one visual representation of shipping space available within a standardized

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shipping volume in said distributed data processing system to communicate over time whether or not sufficient financial commitments have been obtained from said plurality of potential purchasers to fill one or more standard shipping containers, the one or more standard shipping containers comprising an at least 20 foot standard shipping container.

Discussion of most relevant art:

US Patents and PG-PUB

(i) US Patent (5,395,206) to Pallakoff (6,269,343) discloses a method for consolidating orders to save money on shipping. Pallakoff, however fails to anticipate or render the application's above-mentioned limitation(s) obvious.

(ii) US PG Pub (20020038266) to Tuttrup et al discloses a method for packaging products from a plurality of buyers for shipment to a common facility. Tuttrup, however fails to anticipate or render the application's above-mentioned limitation(s) obvious.

Foreign Patent Documents

(iii) EP 0452057 to Parsons teaches a method for visually representing an overheat condition in a cargo container. Parsons, however, fails to anticipate or render the application's above-mentioned limitation(s) obvious.

Non-Patent Literature

(iv) Canada Newswire article teaches providing a dashboard for displaying results so as to improve communication and improve operations, however, Canada Newswire article fails to anticipate or render the application's above-mentioned limitation(s) obvious.

(v) Business wire article teaches optimizing the shipment of 20-foot containers, however, Business wire article fails to anticipate or render the application's above-mentioned limitation(s) obvious.

Any comments considered necessary by the applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **(571) 272-6755**. The examiner can normally be reached Monday thru Thursday 8:00 AM to 5:00 PM.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **receptionist** whose telephone number is **(571) 272-3600**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

(571) 273-8300 [Official communications; including

After Final communications labeled

"Box AF"]

(571) 273-6755 [Informal/Draft communications, labeled

"PROPOSED" or "DRAFT"]

A handwritten signature in black ink, appearing to read 'Mark Fadok', with a stylized, flowing script.

Mark Fadok